

REMARKS**Summary of the Final Office Action**

Claim 1 stands rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Kimura et al (JP 09-045275) (hereinafter "Kimura").

Summary of the Response to the Office Action

Claim 1 has been amended to differently describe embodiments of the disclosure of the instant application. Accordingly, claim 1 remains currently pending for consideration.

Rejection under 35 U.S.C. § 102(b)

Claim 1 stands rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Kimura. Claim 1 has been amended to differently describe embodiments of the disclosure of the instant application. To the extent that this rejection might be deemed to still apply to the claim as newly-amended, it is respectfully requested for at least the following reasons.

As noted in the previously-filed response, Applicants note that the applied Kimura reference is owned by Applicants' company. As a result, the following remarks are prepared with a particular understanding of the disclosure of Kimura and how that disclosure differs from the claim of the instant application. As a result, the rejection in the Office Action is respectfully traversed for at least the following reasons.

Applicants respectfully submit that the pipe (200, 201) described in Kimura merely tightens up and pierces dynode substrate 500, anode 6, and insulator 41 together. The relay lead pin 7 equipped for a power supply mounts dynode 500, an anode 6, and insulator 41 inside housing 1. See Fig. 2 of Kimura.

However, the column 9, as specifically described in the claim of the instant application, pierces dynode unit 5, anode 6, and insulating plates 11 and is erected from and fixed to the stem 3 at a rear edge of the column. Therefore, Applicants respectfully submit that column 9, as described in the claim of the instant application, pierces and retains each component and mounts each retention component on the stem in a manner having a completely different structure than any structure disclosed in Kimura for at least the foregoing reasons. In the instant application's arrangement, Applicants respectfully submit that a rear edge of the column is erected from and is fixed to the stem and an arresting member is attached to the top portion of the column, at a front edge of the column.

In the "Response to Arguments" section at page 3 of the Final Office Action dated December 8, 2008, the Examiner asserts that "column 200 of Kimura satisfies all the claimed limitations of claim 1." The Examiner goes on to note that "it is not clear why applicant compared lead pin 7 of Kimura with column 9 of the instant application." Applicants will now respond to the Examiner's inquiry in this regard.

Applicants respectfully submit that in the Office Action, the Examiner asserts that the "dynode unit," which is comprised of a dynode substrate and an insulator substrate, is met by "500 of Fig. 8" of Kimura. See page 2 of the Office Action. However, Applicants respectfully submit that 500 of Fig. 8 points to a dynode substrate which comprises an electron multiplying region. Applicants respectfully submit that the actual dynode unit in Kimura is the electron multiplier 100, as indicated at paragraph [0023]. Along these lines, Applicants note that, as indicated starting, for example, at line 5 of paragraph [0023] of Kimura, this electron multiplier 100 is supported by the relay lead pin 7 as follows. The relay lead pin 7 is connected to the stem pin 9 and, as a result, the electron multiplier 100 is clearly supported by the stem 8 via the relay

lead pin 7 and the stem pin 9. After a detailed study of the Final Office Action, Applicants believe that because the Examiner appears to have misunderstood the dynode unit, the Examiner appears to have also overlooked these indications of paragraph [0023] of Kimura.

Applicants respectfully submit that, on the other hand, Kimura also discloses, at line 8 of paragraph [0037] and in Fig. 11, an object that is electrically and physically connected to relay lead pin 7 (and stem pin 9) in the inner pipe 200 for supplying electricity to the cathode. Applicants note that, although this is not pointed out by the Examiner, as long as the electron multiplier 100 is supported by the relay lead pin 7, it can be recognized by those having ordinary skill in the associated art that the inner pipe 200 is also assembled on stem 8 via relay lead pin 7 while supporting the electron multiplier 100.

The Examiner goes on to point out in the “Response to Arguments” section at page 3 of the Final Office Action dated December 8, 2008, that “applicants respectfully submit that a rear edge of the column is mounted on the stem and an arresting member is attached to the top.” The Examiner asserts that “the features upon which applicant relies (i.e. a rear edge of the column is mounted on the stem) are not recited in the rejected claim(s).”

While Applicants do not necessarily agree that such features were not previously described in the claim, independent claim 1 has been newly-amended in the instant paper in order to clearly describe that rear edges of the multiple columns are fixed to the stem and also an arresting member is fixed on the front edge of each column.

As described at numerous portions of the specification of the instant application, this arrangement advantageously results in the respective dynodes and the respective insulating plates being integrally and firmly supported by the columns so that the dynodes and the insulating plates will not undergo lateral deviation due to vibration or impact. Accordingly, the dynode

unit exhibits an excellent anti-vibration effect. See, for example, paragraphs [0008], [0034] and [0041] of the specification of the instant application in these regards. Applicants respectfully submit that such arrangements are not taught, nor even suggested, by Kimura.

Accordingly, Applicants respectfully assert that the rejection under 35 U.S.C. § 102(b) should be withdrawn because Kimura does not teach or suggest each feature of claim 1 of the instant application. As pointed out in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. Of California*, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)."

CONCLUSION

In view of the foregoing discussion, Applicants respectfully request the entry of the amendments to place the application in clear condition for allowance or, in the alternative, in better form for appeal. Should the Examiner feel that there are any issues outstanding after consideration of this response; the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including

any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573.


This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

DRINKER BIDDLE & REATH LLP

Dated: March 5, 2009

By:

A handwritten signature in black ink, appearing to read "Paul A. Fournier", is written over a horizontal line.

Paul A. Fournier
Reg. No. 41,023

Customer No. 055694

DRINKER BIDDLE & REATH LLP

1500 K Street, N.W., Suite 1100

Washington, DC 20005-1209

Tel.: (202) 842-8800

Fax: (202) 842-8465